

Motion for Leave to File Under Seal Pending

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.,

Defendant.

Civil Action No. 2:23-cv-00052-JRG

JURY TRIAL DEMANDED

**DECLARATION OF MELISSA A. BROWN IN SUPPORT OF
CHARTER COMMUNICATIONS, INC.'S MOTION TO DISMISS THE AMENDED
COMPLAINT FOR IMPROPER VENUE PURSUANT TO FRCP 12(b)(3)**

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I, Melissa A. Brown, declare as follows:

1. I am over 18 years of age and competent to make this declaration. If called to testify as a witness, I could and would testify truthfully under oath to each of the statements in the declaration. I make each statement below based on my personal knowledge or after investigation of the relevant information.

2. I am an attorney at Arnold & Porter Kaye Scholer, LLP, counsel of record for Defendant, Charter Communications, Inc. (“Defendant” or “CCI”). I am licensed to practice law in the States of New York and New Jersey, and will be filing a motion respectfully requesting to be admitted *pro hac vice* to this Court.

3. I make this Declaration based on my personal knowledge and in support of CCI’s Motion to Dismiss the Amended Complaint for Improper Venue Pursuant to Federal Rule of Civil Procedure 12(b)(3).

4. Attached hereto as **Exhibit 1** is a true and correct copy of the declaration of Jennifer A. Smith, dated July 7, 2022.

5. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the transcript from the deposition of Thomas Proost, taken December 2, 2022.

6. Attached hereto as **Exhibit 3** is a is a true and correct copy of the declaration of Jeff Burdett, dated July 5, 2022.

7. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the transcript from the deposition of Daniel Boglioli, taken December 13, 2022.

8. Attached hereto as **Exhibit 5** is a true and correct copy of the declaration of Martin C. Armstrong, dated July 6, 2022.

9. Attached hereto as **Exhibit 6** is a true and correct copy of the declaration of Teresa Nelson, dated July 6, 2022.

10. Attached hereto as **Exhibit 7** is a true and correct copy of Equipment Lease Agreement between Spectrum Gulf Coast, LLC and Charter Distribution LLC.

11. Attached hereto as **Exhibit 8** is a true and correct copy of the Amended and Restated LLC Agreement of Time Warner Cable Texas LLC, dated May 18, 2016.

12. Attached hereto as **Exhibit 9** is a true and correct copy of the Second Amended and Restated Management Agreement of Charter Communications Operating, LLC, dated May 18, 2016.

13. Attached hereto as **Exhibit 10** is a true and correct copy of the Certificate of Amendment, dated September 12, 2018, filed with the Delaware Secretary of State, reflecting a name change from Time Warner Cable Texas LLC to Spectrum Gulf Coast, LLC.

14. Attached hereto as **Exhibit 11** is a true and correct copy of the affidavit of Constance C. Kovach, dated October 29, 2018.

15. Attached hereto as **Exhibit 12** is a chart listing ownership or lease information for property in the Eastern District of Texas.

16. Attached hereto as **Exhibit 13** is a true and correct copy of the submission to the United States International Trade Commission, Investigation No. 337-TA-1315, referenced by Plaintiff Entropic Communications, LLC in the Amended Complaint, Dkt. 11 ¶ 24.

Executed on April 21, 2023 in New York, New York.

/s/ Melissa A. Brown

Melissa A. Brown

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via email and the Court's ECF system on April 21, 2023.

/s/ Melissa A. Brown

Melissa A. Brown

CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL

Pursuant to Local Rule CV-5(a)(7)(B), I hereby certify that a Motion for Leave to Seal the foregoing document has been filed.

/s/ Melissa A. Brown

Melissa A. Brown